

JPE: If GMA runs, she abandons presidency

By CHRISTINA MENDEZ

If President Arroyo decides to run for a congressional seat in Pampanga in the 2010 elections, it would be tantamount to abandoning the presidency, Senate President Juan Ponce Enrile said yesterday.

"I don't think constitutionally she can do it, to run without forfeiting her seat as President," he said.

And if Mrs. Arroyo decides to run for Congress, Enrile said Vice President Noli de Castro should succeed to serve the remaining months of the presidency.

Enrile said he believed the President would make an intelligent decision amid the prodding of her allies at the House of Representatives.

"It would be foolish for her — and I am saying this with due respect to her — that it is foolish for her to be filing her certificate of candidacy for a lower position because she would be endangering her position as President," he said.

He insisted that Mrs. Arroyo is deemed resigned once she files her candidacy, contrary to the opinions issued by Commission on Elections (Comelec) Chairman Jose Melo and the President's election lawyer Romulo Macalintal.

Melo and Macalintal believe

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there is nothing in the law that requires Mrs. Arroyo to resign as President if she seeks a congressional seat.

Enrile said the President would be considered resigned automatically once she files her certificate of candidacy on or before Nov. 30 this year, the deadline set by the Comelec.

Enrile said Mrs. Arroyo is not allowed to just let go of her responsibilities as Chief Executive by pursuing other political plans while running the presidency by proxy or designating subalterns.

Prudence dictates that Mrs. Arroyo should finish her mandate until June 30 next year, the Senate chief added.

"If she is going to turn (the presidency) over (to De Castro), that means she is resigned," he said.

Enrile added the presidency and a congressional representation are "incompatible" positions.

Enrile said senators like him could not even seek a local elective position in the executive branch, like running

for a gubernatorial post, without resigning from their positions as lawmakers. "That's the rule," he said.

"Now, if she (Mrs. Arroyo) will run to become an emperor, that's an entirely different matter. That's a higher post," Enrile remarked.

A veteran lawyer, Enrile expressed his legal opinion amid questions on whether Mrs. Arroyo can be allowed to seek another elective post in 2010.

"She is the head of the nation, head of state, head of government under our constitutional system. She cannot toy around with this position as if you are a governor, a mayor, a councilor, a barangay captain," Enrile said in an interview with radio *dzBB*.

'Common sense'

Enrile explained the provisions of the Constitution are explicit regarding the presidency.

"The Constitution says that you are not eligible for reelection precisely because of the immense power of the President that she can use to bene-

fit herself or herself while sitting as president. Especially if you are running for Congress, you can use the entire budget to get that position. And I think, common sense tells me that she must be resigned automatically," he stressed.

Enrile challenged Melo and Macalintal to point out the provisions of the Constitution that would allow Mrs. Arroyo to seek another elective post.

He remarked the issue would set a precedent in the country's political history.

"This will be the first case and I think that when you file the certificate of candidacy, imagine a President running for Congress? How would her opponents fare against her? She has the immense power of the presidency and while she is sitting President, she is campaigning and running for another political office. There is no political contest," he said.

Conflicting opinions

Over the weekend, Melo said the provision of the Omnibus Election Code that treats elected officials to seek another post as deemed resigned

if they file their certificates of candidacy has been amended.

Melo's clarification came after Comelec commissioner Rene Sarmiento said Mrs. Arroyo should resign if she decides to seek a congressional seat in her home province of Pampanga.

"Before, yes (it was not allowed) but now, not anymore. Before, if you are running for a position that is higher than the one you presently hold, you have to resign. Now that no longer exists. You can run for any position," Melo said.

Melo said the prohibition under the law applies only to appointive officials who would be deemed resigned when they file their certificates of candidacy.

Macalintal also echoed Melo's opinion. He said that if Mrs. Arroyo decides to run for a congressional post next year, "she is not deemed resigned as President, which means that she continues to serve her term until noon of June 30, 2010 as provided under the Constitution."

But Enrile said Melo couldn't speak in behalf of the collegial body of the Comelec.

"If there was such a Comelec position, whose position is that? Is it a position of the chairman, of a commissioner or all the commissioners there? What's their basis (of that opinion)? Constitutional law or statutory law?" Enrile asked.

Malacañang, on the other hand, defended Melo by saying the Comelec chief was just giving his legal opinion over the issue.

"Chairman Melo is just stating a legal fact and position without partisan judgment," presidential adviser for political affairs Gabriel Claudio said.

"While it is clear that the President is not compelled by law to resign if she runs for another position in 2010, nobody knows, probably with the exception of her immediate family, if she will or she won't," he said.

Claudio said it would be pointless to delve into speculations on the President's political plans.

"It's rather unproductive to be engaging in speculation about it at this time. What is of importance and relevance are the President and government's assurances, confidence

and determination about the certainty of the 2010 elections pushing through as scheduled," Claudio said.

Claudio downplayed all other political scenarios occurring ahead of the 2010 elections.

"If critics and the opposition are trying to anticipate other political scenarios, they may do so at the risk of their own chances in the polls," Claudio warned.

Chief Presidential Legal Counsel Raul Gonzalez said the calls for the President to resign if she wants to run for Congress are unfair.

Gonzalez also said there is no legal impediment against Mrs. Arroyo seeking a congressional seat or another elective position.

He said Melo gave the correct opinion on the issue.

"It seems that Commissioner Sarmiento has forgotten the Election Code," Gonzalez said.

"The President does not have to resign because all elective officials need not resign to register as a candidate. Only the appointive officials must resign," he pointed out. — With Rainier Allan Ronda, Dennis Carcamo